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EXAMINER
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GROUP 3600

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/467,706
Filing Date: December 20, 1999
Appellant(s): CONDON ET AL.

James R. Bell
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 25, 2006 appealing from the Office action

mailed June 13, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,490,493	DHARNIPRAGADA	12-2002
6,080,207	KROENING et al.	6-2000
6,182,897	KNOWLES et al.	2-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4, 12-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dharnipragada (US 6,490,493) in view of Kroening, further in view of Knowles et al. (US

6,182,897).

Dharnipragada teaches a method comprising: manufacturer providing a manufacturer's

interface (user computer 10), a manufacturer office unit and a manufacturer plant (see col. 3

lines 13-14); passing elements of the main order to a control unit, controlling manufacturing and

supply lines containing plurality of hardware and software components (see col. 8 line 63 to col.

9 line 10); customer entering a special configuration details in the computer (see col. 5 line 1 to

col. 6 line 19), passing the order to modification unit (col. 5, lines 50-67); checking the special

configuration details for compatibility with a main order (col. 5, lines 5-25); passing the order to

a modification unit and then to a validation unit (col. 5, lines 5-25); making configuration

details available to a control unit (col. 9, lines 1-15); detecting modification flag and obtaining

corresponding configuration details (col. 4, lines 10-30, col. 5, lines 30-50); checking

configuration details with a database to determine implementation (col. 7, lines 1-63).

Dharnipragada teaches logging modifications as they are made (built database see col. 6 lines

47-65). Dharnipragada teaches during the technology selection, the software will provide a

variety of recommendations such as selecting a different product or configuration to meet the

process requirements and validation checks, etc., (see col. 8 lines 44-62). Kroening teaches the

image builder goes through the baseline image file by file and identifies those areas that are

different and determines what parts are to be replaced. Further Kroening teaches the image

builder determines changes to be made in registry settings and in interrupt settings so that the

new software configuration will operate properly on the computing system and if the desired

software configuration is not compatible with the hardware of the computer system then the

image builder rejects the bill of material as a non-functional configurations (see col. 5 lines 17-

35 and col. 7 lines 22-40). It is known in the art to utilize systems comprising a database that

maintains a list of compatible components and required testing procedures for the associated

components that may be performed during installation to more efficiently produce build to order

computer systems. Therefore, it would have been obvious to one of ordinary skill in the art at

the time of the invention for manufacturers, as in Kroening and Dharnipragada, to make sure the

supply lines contain a plurality of compatible hardware and selected software components for

installation into the computer being manufactured in order to install hardware and software that

have compatibility with components included within the computer being manufactured for the

purpose of having a system that operates correctly and is free of malfunctioning components.

Kroening teaches manufacturing a computer system and entering appropriate data

including details into the computer being manufactured (abstract, summary). It would have been

obvious to one having ordinary skill in the art at the time of the invention to have adopted the

system of Dharnipragada for manufacturing a computer as in Kroening since Dharnipragada is not limited as to the type of manufacture (col. 9, lines 40-60) and since Kroening would have benefited from the guidance, verification and ordering of Dharnipragada in simplification of specification of the computer and management of the built computers.

Knowles teaches providing a manufacturer web page for entering orders and passing the web page order to manufacturer unit or plant (see abstract, summary, col. 3 line 65 to col. 4 line 6, lines 36-50). It would have been obvious to one having ordinary skill in the art at the time of the invention to provide a web page for sending the order of Dharnipragada since a web page provides easy access to different page with the site, such as credit card transaction or tracking progress of the order via the web site maintained by the manufacturer.

(10) Response to Argument

Appellant argues that the references alone or in combination do not teach or even suggest all the limitations of the claimed.

Appellant assets that in the invention, claim 1, the customer being required to indicate if a special configuration is desired and in the specification "in addition, the customer must include, in the main order which is passed to the order unit and indication that a special configuration is desired". Appellant further states that the invention also claims "the control unit entering appropriate data into the computer being manufactured including entering modification details in the appropriate ones of the selected software components which are being installed or have been installed in the computer".

Appellant argues that in Dharnipragada, if the order is changed prior to beginning manufacturing of the process device, the change order may be implemented ... Appellant asserts

in Dharnipragada the inventor may change the order at any time during the manufacturing

process and is not "required" to indicate if there is a special configuration. Examiner agrees that

the system of Dharnipragada allows the customer to change the order after the order has been

sent to the manufacturing, i.e., after the special order is made.

Appellant's invention requires a web page to enter a customer order. According to the

specification, the customer places an order and a reference number for the order. If there are any

special configuration requirements, the customer compiles the specification configuration

information required, and passes this to the manufacturer over the Internet; the manufacturer

passes the information to a validation system which checks the modification; a special

modification indicator in the order, flags the system to look for specific configuration data (see

page 5).

Dharnipragada also teaches a computer input to define the operating requirements for a

process device; the process requirement is then imported electronically to the design computer.

The process requirements for a point in the process plant are organized under a unique identifier

known as a Tag, which represents a specific process device. The system then Evaluates the

process requirements against a predetermined process device data ... during the evaluation of

process requirements against predetermined process device data, the software execute numerous

validation checks to ensure the process devices selected are compatible with the process

requirements. Examiner would like to point out that specifying a special order is an indication

that a special configuration is desired.

Examiner is aware that the Dharnipragada's system is not for specifying computer order,

instead provides an interface for specifying process devices such as measurement instruments

and valves, and the system also does not provide a web page. Nevertheless Dharnipragada teaches an interface for customer to specify a special order. Examiner also aggress that Knowles provides a web-enabled system and method for designing and manufacturing a laser scanner, not a computer system. The fact is that Knowles teaches a web page to place a specially configured product such as laser scanner. Kroening teaches a computerized system and method for generating a customer software configuration for a hard drive of a computer system according to desired software configuration defined by a purchasing customer (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art a the time of appellant's invention was made to use Dharnipragada's interface, as modified by Knowles web page, to order a special configuration computer, as in Kroening.

Therefore, in combination the reference teaches appellant's invention as claimed.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

YR

/RETTA YE   GA
PRIMARY EXAMINER

Conferees:

Eric Stamber

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